

REMARKS

Status of Claims:

Claims 1-89 remain cancelled.

The Office Action indicates on the line next to box 4) of the Office Action Summary that claims 90-92, 95, 97-100, 103, 105-108, 111, and 113 are pending in the application.

However, claims 93, 94, 96, 101, 102, 104, 109, 110, and 112 have **not** been cancelled from the application, and have merely been withdrawn. Thus, the Office Action summary should have indicated on the line next to box 4) that claims 90-113 are pending in the application, and then indicated on the line next to box 4a) that of those claims, claims 93, 94, 96, 101, 102, 104, 109, 110, and 112 have been withdrawn from consideration.

Upon the allowance of the independent claims, applicant is entitled to consideration of the withdrawn claims to the additional species which are written in dependent form, as is provided by 37 CFR 1.141.

Therefore, claims 90-113 are pending in the application and, of those claims, claims 93, 94, 96, 101, 102, 104, 109, 110, and 112 have been withdrawn from consideration.

Claim Rejections Under 35 U.S.C. 103:

Claims 90-92, 95, 97-100, 103, 105-108, 111, and 113 are rejected under 35 U.S.C. 103(a) as being unpatentable over Dougliis et al. (U.S. Patent No. 6,487,596) (hereinafter Dougliis) in view of Rao et al. (U.S. Patent No. 6,674,756) (hereinafter Rao).

With respect to claims 90-92, 95, 97-100, 103, 105-108, 111, and 113, the rejection is respectfully traversed.

Independent claim 90 recites a server for communicating packets between a plurality of client terminals and a plurality of application servers, the server comprising:

“a monitor configured to obtain at least a first item of control information and a second item of control information **from a packet** received by the server;

a decider configured to determine whether to alter a statistic based at least partially on (i) a comparison of the first item of control information with an item of information related to a client terminal and (ii) **a comparison of the second item of control information with a particular item of information related to an application server**, said decider configured to alter the statistic in a case where it is determined to alter the statistic, said decider configured to decide whether to disconnect the client terminal from the server in a case where the client terminal is connected to the server based at least partially on a comparison of the statistic with a value of a disconnection condition parameter specified for the client terminal; and

a disconnecter configured to disconnect the client terminal from the server in a case where it is decided by the decider to disconnect the client terminal from the server.” (Emphasis Added).

Neither Dougliis nor Rao, alone or in combination, discloses or suggests a server as claimed in the present independent claim 90 including a decider configured to determine whether to alter a statistic based at least partially on (i) a comparison of a first item of control information with an item of information related to a client terminal and (ii) **a comparison of a second item of control information with a particular item of information related to an application server**, where the first item of control information and the second item of control information are obtained from a packet received by the server.

The Office Action points to col. 3, lines 6-9, of the Dougliis reference as disclosing “a comparison with a particular item of information related to an application server”. (Office Action; page 4) (Emphasis Added). In the Response to Amendment section of the present Office Action, the Office Action asserts that a **timeout threshold** maintained for each Internet Service Provider (ISP) modem in Dougliis corresponds to the claimed feature of a **particular item of information** related to an application server. (Office Action; page 3).

The Office Action recognizes that “Dougkis does not explicitly teach a first and second item of control information from a packet.” (Office Action; page 5) (Emphasis Added). In the Response to Amendment section of the Office Action, the Office Action points to a destination address in col. 9, lines 30-43, of the Rao reference as disclosing the claimed feature of a second item of control information. (Office Action; page 3). Thus, the Office Action considers a destination address in Rao as a second item of control information, and the Office Action considers a timeout threshold in Dougkis as a particular item of information related to an application server. (Office Action; page 3, lines 7-9).

However, *even if* the system of Rao were combined with the system of Dougkis under such a reasoning as set forth in the Office Action, the combined system would still not include the presently claimed feature of “a decider configured to determine whether to alter a statistic based at least partially on ... a comparison of the second item of control information with a particular item of information related to an application server”. (Emphasis Added). The destination address in Rao, which the Office Action considers to be a second item of control information, cannot be compared with the timeout threshold in Dougkis, which the Office Action considers to be a particular item of information related to an application server, since they represent completely different concepts. There is no decider in Dougkis, Rao, or a combination of Dougkis and Rao, for comparing a destination address with a timeout threshold. (Dougkis; col. 3, lines 6-9; Rao; col. 9, lines 30-43). Indeed, it would be completely meaningless to compare a destination address with a timeout threshold, since they are not comparable metrics, quantities, or identifiers.

Thus, neither Dougkis nor Rao, alone or in combination, discloses or suggests the claimed feature in the present independent claim 90 of “a decider configured to determine whether to alter a statistic based at least partially on ... a comparison of the second item of control information with a particular item of information related to an application server”. (Emphasis Added).

Moreover, it is not clear what the Office Action considers to be the “statistic” that can be altered in either Dougkis or Rao. In the Response to Amendment section of the Office Action, the Office Action states that “the combination of Dougkis and Rao teaches determining whether to alter a statistic”, and then the Office Action cites Dougkis, col. 3, line

57 – col. 4, line 46, and states with respect to Dougliis that “[t]he time-out policy may be made sensitive to customer specification that might even override the ISP’s concerns ... [f]or example, a customer may specify that when the customer is calling from a long distance that the ISP should disconnect more quickly than otherwise”. (Office Action; pages 2-3) (Emphasis Added). From the above-quoted language in the Office Action, it appears that the Office Action is attempting to treat the time-out policy in Dougliis, which specifies the timeout threshold T, as the statistic that can be altered. (Office Action; pages 2-3).

Thus, it appears that the Office Action is treating the timeout threshold T of Dougliis as both a statistic and as a particular item of information related to an application server, and is treating the destination address in Rao as a second item of control information. (Office Action; pages 2-3). Under such a reasoning as is set forth in the Office Action, it is apparent that neither Dougliis nor Rao, alone or in combination, discloses or suggests the claimed feature in the present independent claim 90 of “a decider configured to determine whether to alter a statistic based at least partially on ... a comparison of the second item of control information with a particular item of information related to an application server”. (Emphasis Added). The Office Action has not identified such a decider in either Dougliis, Rao, or a combination of Dougliis and Rao, for determining whether to alter a statistic, even under the above reasoning made in the Office Action.

Therefore, independent claim 90 is neither disclosed nor suggested by the Dougliis and Rao references, alone or in combination, and, hence, is believed to be allowable. The Patent Office has not made out a *prima facie* case of obviousness under 35 U.S.C. 103. Because they depend from independent claim 90, dependent claims 91-92, 95, and 97 are believed to be allowable for at least the same reasons that independent claim 90 is believed to be allowable.

Independent claim 98 recites a method in a server with features similar to features of a server of independent claim 90 and, thus, is believed to be allowable for at least the same reasons that independent claim 90 is believed to be allowable. The Patent Office has not made out a *prima facie* case of obviousness under 35 U.S.C. 103. Because they depend from independent claim 98, dependent claims 99-100, 103, and 105 are believed to be allowable for at least the same reasons that independent claim 98 is believed to be allowable.

Independent claim 106 recites a computer readable storage medium in which a program is stored where the program is for causing a server to execute a process with features similar to features of a server of independent claim 90 and, thus, is believed to be allowable for at least the same reasons that independent claim 90 is believed to be allowable. The Patent Office has not made out a *prima facie* case of obviousness under 35 U.S.C. 103. Because they depend from independent claim 106, dependent claims 107-108, 111, and 113 are believed to be allowable for at least the same reasons that independent claim 106 is believed to be allowable.

Conclusion:

Applicant believes that the present application is now in condition for allowance. Favorable reconsideration of the application is respectfully requested.

The Examiner is invited to contact the undersigned by telephone if it is felt that a telephone interview would advance the prosecution of the present application.

The Commissioner is hereby authorized to charge any additional fees which may be required regarding this application under 37 C.F.R. §§ 1.16-1.17, or credit any overpayment, to Deposit Account No. 19-0741. Should no proper payment be enclosed herewith, as by the credit card payment instructions in EFS-Web being incorrect or absent, resulting in a rejected or incorrect credit card transaction, the Commissioner is authorized to charge the unpaid amount to Deposit Account No. 19-0741. If any extensions of time are needed for timely acceptance of papers submitted herewith, Applicant hereby petitions for such extension under 37 C.F.R. §1.136 and authorizes payment of any such extensions fees to Deposit Account No. 19-0741.

Respectfully submitted,

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By 

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